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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,402	01/22/2004	Shinya Yamasaki	725.1166	3312

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EXAMINER	
ALI, MOHAMED HATEM	
ART UNIT	**PAPER NUMBER**
3693	

MAIL DATE	DELIVERY MODE
09/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/761,402	YAMASAKI, SHINYA	
	Examiner	Art Unit	
	Mohamed H. Ali	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. Unassigned.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1/22/2004,11/18/2004,1/11/2005,8/1/2005, 4/19/2006.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-9** are rejected under 35 U.S.C. 102(e) as being anticipated by ***Heilman*** (US 2001/0034689 A1).

As per claim 1, *Heilman* discloses a remote negotiation apparatus which causes, before providing a service including sales of merchandise, a provider of the service and a receiver to do remote negotiation through a communication environment (see Abstract; via a system for negotiating a transaction over a network), comprising:

a control unit which displays a window of a predetermined format (see para 0011 and **Fig.1**, via computer hardware and software **# 10** and **#14** communicate trade over a global network, such as Internet with inherent service provider) corresponding to a commercial transaction document related to providing of the service on both a first operation terminal used by the provider (see **Fig.1**, potential seller **# 16** or provider) and a second operation terminal used by the receiver (see **Fig.1**, potential buyer **#12** or receiver) and, as information contents necessary for finishing the commercial

transaction document are input by the provider to the window displayed on the first operation terminal, reflects the input information contents to the window displayed on the second operation terminal to present the information contents to the receiver (see para 0011 and 0012; via first user[seller]'s screen display a message [quote] to invite first user to engage in a on-line session with the second user [buyer] on quote and contract terms).

As per claim 2, *Heilman* discloses the control unit requests an approval operation by the provider for each of the information contents before reflecting the input information contents to the window displayed on the first operation terminal, and when the approval operation is not performed, restricts the receiver to input the next information contents necessary for finishing the commercial transaction document to the window displayed on the second operation terminal (see para 011; via computer software [control unit] to enable users [seller] inherently with approval and restriction functions).

As per claim 3, *Heilman* discloses the control unit requests an approval operation by the receiver for each of the information contents before reflecting the input information contents to the window displayed on the second operation terminal, and when the approval operation is not performed, restricts the provider to input the next information contents necessary for finishing the commercial transaction document to the window displayed on the first operation terminal (see para 0011; via computer software [control unit] to enable users [buyer] inherently with approval and restriction functions).

As per claim 5, *Heilman* discloses that when all information contents necessary for finishing the commercial transaction document are input, said control unit displays all the input information contents on the first and second operation terminals at once and requests a confirmation operation for transaction contents specified by the commercial transaction document finished by all the input information contents (see para 0020; via the modifiable and electronically transmittable negotiation ticket and first and second users agreement for the proposed transaction).

As per claim 6, *Heilman* discloses that the commercial transaction document is at least one of an estimate, a contract, and a purchase order, which decides an amount, related to providing of the merchandise (see para 0014; via the quote includes a quantity, a price term, a payment term and a delivery term for the transaction).

As per claim 7, *Heilman* discloses a remote negotiation method of causing, before providing merchandise including a service, a provider of the merchandise and a receiver to do remote negotiation through a communication environment (see Abstract; via a system for negotiating a transaction over a network), comprising:

a step of displaying a window of a predetermined format corresponding to a commercial transaction document related to providing of the merchandise (see para 0041; via Internet **21**, terminals and commodities) on both a first operation terminal used by the provider (see **Fig.1**, potential seller # **16** or provider) and a second operation terminal used by the receiver (see **Fig.1**, potential buyer **#12** or receiver); and

a reflection step of, as information contents necessary for finishing the commercial transaction document are input by the provider to the window displayed on

the first operation terminal, reflecting the input information contents to the window displayed on the second operation terminal (see para 0042; via **Fig.2**, **Fig.3**, GUI screen **22**, Quote Recap window **26** and respond link **28**)

As per claim 8, *Heilman* discloses the method further comprises steps of:

when the information contents necessary for finishing the commercial transaction document are input by the receiver to the window displayed on the second operation terminal, requesting an approval operation by the provider for each of the information contents (see para 0011; via computer software [control unit] to enable users [seller and buyer] inherently with approval and restriction functions), and

when the approval operation is not performed, restricting the receiver to input the next information contents necessary for finishing the commercial transaction document to the window displayed on the second operation terminal (see para 011; via computer software [control unit] to enable users [seller and buyer] inherently with approval and restriction functions), and

the reflection step reflects the input information contents to the window displayed on the first operation terminal when the approval operation is performed (see para 011; via computer software [control unit] to enable users [seller] inherently with approval functions with related reflection step).

As per claim 9, *Heilman* discloses a program, which causes a computer to execute a method (see para 0011; via computer software inherent with program execute the transaction process online after negotiation and agreement).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over ***Heilman*** in view of ***Liu*** *et al* (US 2002/0027901 A1).

Heilman discloses all the elements of the claimed invention, but fails to explicitly disclose that every time the information contents necessary for finishing the commercial transaction document are input, said control unit executes at least one of voice output and highlighting related to the information contents on one of the first and second operation terminals, on which the window to which the input information contents should be reflected is displayed.

However, Liu in the same field of invention discloses the concept of voice communication between a first station and a second station providing an interface allowing input of a transaction specifications (see para 0033, lines 46 and para 0063; via voice, transaction specifications and VoIP).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify voice output and highlighting information contents to include voice communication and transaction specifications in order to facilitate both

parties to specify their mutually agreed connection criteria and transaction tracking mechanism (0038 and 0039).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Snelgrove et al (US 2004/0172339 A1) discloses Point of Sale Terminals is operable to gather purchase information.

Hoyt et al (6,067,531) discloses Automatic contract negotiator/generation system and method.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed H. Ali whose telephone number is 571-270-3021. The examiner can normally be reached on 8.00 to 5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mohamed H Ali
Examiner
Art Unit 3693

MA

9-24-07

JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Attorney Docket No. 725.1166

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shinya YAMASAKI

Application No.: Unassigned | Group Art Unit: Unassigned

Filed: January 22, 2004 | Examiner: Unassigned

For: REMOTE NEGOTIATION APPARATUS

SUBMISSION OF CERTIFIED COPY OF PRIOR FOREIGN APPLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF 37 C.F.R. § 1.55

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 1.55, the applicant(s) submit(s) herewith a certified copy of the following foreign application:

Japanese Patent Application No(s). 2003-018809

Filed: January 28, 2003

It is respectfully requested that the applicant(s) be given the benefit of the foreign filing date(s) as evidenced by the certified papers attached hereto, in accordance with the requirements of 35 U.S.C. § 119.

Respectfully submitted,

STAAS & HALSEY LLP

Date: January 22, 2004 By: David M. Pitcher

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